

# **APPENDIX A**

---

## **NPDES Permit**



United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

City of Sandpoint

is authorized to discharge from a wastewater treatment facility located in Sandpoint, Idaho,

to receiving waters named Pend Oreille River,

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective **January 5, 2002**

This permit and the authorization to discharge shall expire at midnight, **January 5, 2007.**

Signed this     **30th**                    day of                    **November, 2001.**

\_\_\_\_\_  
/s/ Mike Bussell  
for Randall F. Smith  
Director  
Office of Water, Region 10  
U.S. Environmental Protection Agency

## TABLE OF CONTENTS

### Cover Sheet--Issuance and Expiration Dates

I.	SPECIFIC LIMITATIONS AND MONITORING REQUIREMENTS .....	4
A.	Effluent Limitations and Monitoring Requirements .....	4
B.	Receiving Water Monitoring .....	5
C.	Whole Effluent Toxicity Testing .....	6
D.	Quality Assurance Requirements .....	9
E.	Operation and Maintenance Plan .....	10
F.	Design Criteria Requirements .....	11
G.	Definitions .....	11
II.	Pretreatment Program Requirements .....	13
A.	Implementation .....	13
B.	Spill Prevention .....	14
C.	Enforcement Requirement .....	15
D.	Modification of the Pretreatment Program .....	15
E.	Control of Undesirable Pollutants .....	15
F.	Requirements for Industrial Users .....	16
G.	Sampling Requirements .....	16
H.	Pretreatment Report .....	18
III.	MONITORING, RECORDING AND REPORTING REQUIREMENTS .....	20
A.	Representative Sampling .....	20
B.	Monitoring Procedures. ....	20
C.	Reporting of Monitoring Results. ....	20
D.	Additional Monitoring by the Permittee .....	20
E.	Records Contents .....	20
F.	Retention of Records .....	21
G.	Twenty-four Hour Notice of Noncompliance Reporting .....	21
H.	Other Noncompliance Reporting .....	22
I.	Inspection and Entry .....	22
IV.	COMPLIANCE RESPONSIBILITIES .....	22
A.	Duty to Comply .....	22
B.	Penalties for Violations of Permit Conditions .....	22

C.	Need to Halt or Reduce Activity not a Defense .....	23
D.	Duty to Mitigate .....	23
E.	Proper Operation and Maintenance .....	24
F.	Removed Substances .....	24
G.	Bypass of Treatment Facilities .....	24
H.	Upset Conditions .....	25
I.	Toxic Pollutants .....	25
V.	GENERAL REQUIREMENTS .....	25
A.	Notice of New Introduction of Pollutants .....	25
B.	Control of Undesirable Pollutants .....	26
C.	Requirements for Industrial Users .....	26
D.	Planned Changes .....	26
E.	Anticipated Noncompliance .....	27
F.	Permit Actions .....	27
G.	Duty to Reapply .....	27
H.	Duty to Provide Information .....	27
I.	Other Information .....	27
J.	Signatory Requirements .....	27
K.	Availability of Reports .....	28
L.	Oil and Hazardous Substance Liability .....	28
M.	Property Rights .....	28
N.	Severability. ....	28
O.	Transfers .....	28
P.	State Laws .....	29

# I. SPECIFIC LIMITATIONS AND MONITORING REQUIREMENTS

## A. Effluent Limitations and Monitoring Requirements.

1. During the period beginning on the effective date of this permit the Permittee is authorized to discharge wastewater to the Pend Oreille River from Outfall 001 provided the discharge meets the limitations and monitoring requirements set forth herein. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application.

PARAMETER	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
	Average Monthly Limit	Average Weekly Limit	Daily Maximum Limit	Sample Location	Sample Frequency	Sample Type
Flow, MGD	—	—	—	Influent or Effluent	Continuous	Recording
Temperature, °C	—	—	—	Effluent	1/day	grab
Biological Oxygen Demand (BOD <sub>5</sub> )	30 mg/l	45 mg/l	—	Influent and Effluent	3/week	24-hour composite
	750 lb/day	1100 lb/day	—			
Total Suspended Solids (TSS)	30 mg/l	45 mg/l	—	Influent and Effluent	3/week	24-hour composite
	750 lb/day	1100 lb/day	—			
E.coli Bacteria <sup>1</sup>	126/100 ml	—	406/100 ml	Effluent	3/week	grab
Total Residual Chlorine <sup>2</sup>	0.45 mg/L	—	1.1 mg/L	Effluent	1/day	grab
Total Ammonia as N	—	—	—	Effluent	1/month	24-hour composite
Nitrate as N, mg/L	—	—	—	Effluent	1/quarter	24-hour composite
Nitrite as N, mg/L	—	—	—	Effluent	1/quarter	24-hour composite
Total Kjeldahl Nitrogen, mg/L	—	—	—	Effluent	1/quarter	24-hour composite
Total Phosphorus as P, mg/l	—	—	—	Effluent	1/quarter	24-hour composite
Dissolved Orthophosphate as P	—	—	—	Effluent	1/quarter	24-hour composite



PARAMETER	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS		
	Average Monthly Limit	Average Weekly Limit	Daily Maximum Limit	Sample Location	Sample Frequency	Sample Type
Metals <sup>3</sup>	—	—	—	Influent, Effluent, and Sludge	2/year	24-hour composite (sludge-grab)
Whole Effluent Toxicity <sup>4</sup>	—	—	—	Effluent	1/quarter, fourth year of permit	24-hour composite
<ol style="list-style-type: none"> <li>1. Monthly and weekly averages are geometric means of all samples measured during the respective time period.</li> <li>2. The chlorine limit is based on a mixing zone which includes twenty-five percent of the critical low flow volume of the Pend Oreille River.</li> <li>3. See Part II. Pretreatment Program for additional metals testing requirements.</li> <li>4. See Part I.C. Whole Effluent Toxicity for additional toxicity testing requirements.</li> </ol>						

2. The pH range shall be between 6.5 - 9.0 standard units. The Permittee shall monitor for pH daily. Sample analysis shall be conducted on a grab sample from the effluent.
3. There shall be no discharge of floating solids or visible foam other than trace amounts.
4. Removal Requirements for BOD<sub>5</sub> and TSS: For any month, the monthly average effluent concentration shall not exceed 15 percent of the monthly average influent concentration.

Percent removal of BOD<sub>5</sub> and TSS shall be reported on the Discharge Monitoring Reports (DMRs). The monthly average percent removal shall be calculated from the arithmetic mean of the influent value and the arithmetic mean of the effluent value for that month. Influent and effluent samples shall be taken over approximately the same time period.

- B. Receiving Water Monitoring. The permittee shall develop and implement a receiving water monitoring program which meets the following requirements. A receiving water monitoring program plan, including identification of monitoring stations, shall be submitted within 180 days after permit issuance to the Idaho

Department of Environmental Quality (DEQ), Coeur d'Alene Regional Office and EPA Region 10 for review. The permittee shall receive DEQ approval of the plan prior to implementation of the monitoring program. Monitoring must commence within twelve months after permit issuance. The receiving water monitoring program shall meet the following minimum requirements:

1. Monitoring stations on the Pend Oreille River shall be established upstream of the Sandpoint outfall. These stations shall be selected following consultation with DEQ. Sites shall be selected so as to provide a degree of spatial integration across the receiving water.
2. Monitoring shall start within one year after the effective date of the permit and shall last for a period of one year.
3. River samples shall be grab samples collected once per month (a total of twelve sampling events).
4. The samples shall be analyzed for the following: Temperature, pH, total ammonia as N, nitrate as N, nitrite as N, total Kjeldahl nitrogen, total phosphorous, ortho phosphorus, and hardness as  $\text{CaCO}_3$ .
5. To the extent practicable, sampling of the Sandpoint effluent for nutrients shall be conducted on the same day as river sampling.
6. Results from the receiving water monitoring program shall be submitted in a report to the EPA and the DEQ at the addresses listed in Part III.C. of this permit within 60 days of completion of the monitoring program. Monthly reporting of receiving water results is not required.

C. Whole Effluent Toxicity Testing

During the fourth year of the permit, the permittee shall conduct quarterly toxicity tests on 24-hour composite effluent samples.

1. Organisms and protocols
  - a. The permittee shall conduct short-term tests with the water flea, *Ceriodaphnia dubia* (survival and reproduction test), and the fathead minnow, *Pimephales promelas* (larval survival and growth test).



- b. The presence of chronic toxicity shall be estimated as specified in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (the "manual"), Third Edition, EPA/600-4-91-002, July 1994.
- c. Results shall be reported in TUc (chronic toxic units).  $TUc = 100/\text{No Observed Effect Concentration (NOEC)}$  in percent effluent concentration.

2. Toxicity Trigger

Chronic toxicity testing requirements are triggered when the NOEC equals or exceeds 100 TUc. When chronic toxicity testing requirements are triggered, the permittee shall comply with the requirements set out in Parts 5 and 6 below.

3. Quality Assurance

- a. A series of five dilutions and a control shall be tested. The dilution series shall include 0.5 percent, 1 percent, 25 percent, 50 percent, and 100 percent.
- b. If organisms are not cultured in-house, concurrent testing with reference toxicants shall be conducted. Where organisms are cultured in-house, monthly reference toxicant testing is sufficient.
- c. If either the reference toxicant tests or the effluent tests do not meet all test acceptability criteria (TAC) as specified in the test methods manual, then the permittee must re-sample and re-test as soon as possible.
- d. Reference toxicant tests shall be conducted using the same test conditions as the effluent toxicity test (i.e., same test duration, etc.).
- e. Control and dilution water shall be laboratory water as described in the manual. If the dilution water used is different from the culture water, a second control, using culture water shall also be used. Receiving water may be used as control and dilution water upon notification of EPA. In no case shall water that has not met test acceptability criteria be used as dilution water.

- f. Chemical testing for the parameters listed in Part I.A.1 of this permit shall be performed on a split sample collected for WET testing. To the extent that the timing of sample collection coincides with that of the sampling required in Part I.A.1. of this permit, chemical analysis of the split sample will fulfill the requirements of Part I.A.1.
- 4. Preparation of initial investigation toxicity reduction evaluation (TRE) plan

Prior to initiation of the toxicity testing required by this permit, the permittee shall submit to EPA a copy of the permittee's initial investigation TRE workplan. This plan shall describe the steps the permittee intends to follow in the event that toxicity testing requirements as described in Part I.C.2. above, are detected, and should include at a minimum:

- a. A description of the investigation and evaluation techniques that would be used to identify potential causes/sources of toxicity, effluent variability, treatment system efficiency;
  - b. A description of the facility's method of maximizing in-house treatment efficiency, good housekeeping practices, and a list of all chemicals used in operation of the facility; and
  - c. If a toxicity identification evaluation (TIE) is necessary, who will conduct it (i.e., in-house or other).
- 5. Accelerated testing
  - a. If chronic toxicity testing requirements as defined in Part I.C.2. above are triggered, the permittee shall implement the initial investigation workplan. If implementation of the initial investigation workplan indicates the source of toxicity (for instance, a temporary plant upset), then only one additional test is necessary. If toxicity is detected in this test, then the following paragraph (C.5.b.) shall apply.
  - b. If chronic toxicity testing requirements as defined in Part I.C.2. above are triggered, and toxicity is detected in the test required

under Part I.C.5.a. above, then the permittee shall conduct six more tests, bi-weekly (every two weeks), over a twelve-week period. Testing shall commence within two weeks of receipt of the sample results of the exceedance

6. Toxicity Reduction Evaluation (TRE)

- a. If chronic toxicity, as defined Part I.C.2., is detected in any of the six additional tests required under Part I.C.5.b., then, in accordance with the permittee's initial investigation workplan and EPA manual EPA 833-B-99-002 (Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants), the permittee shall initiate a TRE within fifteen (15) days of receipt of the sample results of the exceedance. The permittee will develop as expeditiously as possible a more detailed TRE workplan, which includes:
  - i. further actions to investigate and identify the cause of toxicity;
  - ii. actions the permittee will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and
  - iii. a schedule for these actions.
- b. The permittee may initiate a toxicity identification evaluation (TIE) as part of the overall TRE process described in the EPA acute and chronic TIE manuals EPA/600/6-91/005F (Phase I), EPA/600/R-92/080 (Phase II), and EPA-600/R-92/081 (Phase III).
- c. If none of the six tests required under Part I.C.5.b. above indicated toxicity, then the permittee may return to the normal testing frequency.
- d. If a TIE is initiated prior to completion of the accelerated testing the accelerated testing schedule may be terminated, or used as necessary in performing the TIE.

7. Reporting:

- a. Results of toxicity tests, including any accelerated testing conducted during the month, shall be reported on the Discharge Monitoring Report (DMR) for the month in which the tests are



conducted.

- b. The full report shall be submitted by the end of the month in which the DMR is submitted.
- c. The full report shall consist of : (1) the toxicity test results; (2) the dates of sample collection and initiation of each toxicity test; (3) the flow rate at the time of sample collection; and (4) the results of the effluent analysis for chemical parameters required for the outfall as defined in Part I.A.1. of the permit.
- d. Test results for chronic tests shall be reported according to the chapter on Report Preparation found in *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, Third Edition, EPA/600-4-91-002, July 1994.

D. Quality Assurance Requirements

- 1. The Permittee shall develop a Quality Assurance Plan. The primary purpose of the Quality Assurance Plan shall be to assist in planning for the collection and analysis of samples in support of the permit and in explaining data anomalies when they occur.
- 2. Throughout all sample collection and analysis activities, the Permittee shall use the EPA approved quality assurance, quality control, and chain-of-custody procedures described in:
  - 1. *Requirements for Quality Assurance Project Plans*, EPA QA/R-5 EPA, and
  - 2. *Guidance on Quality Assurance Project Plans*, EPA QA/G-5

The following reference may be helpful in preparing the Quality Assurance Plan for this permit: *The Volunteer Monitors Guide to Quality Assurance Project Plans* EPA 841-B-96-003, September 1996.

- 3. The plan shall be completed within 60 days of the effective date of this NPDES permit. The Permittee shall keep a copy of the permit on site at all times.
- 4. At a minimum the plan shall include the following:

- Sampling techniques (field blanks, replicates, duplicates, control samples, etc).
  - Sampling preservation methods.
  - Sampling shipment procedures.
  - Instrument calibration procedures and preventive maintenance (frequency, standard, spare parts).
  - Qualification and training of personnel.
  - Analytical methods (including quality control checks, quantification/detection levels).
5. Name(s), address(es) and telephone number(s) of the laboratories, used by or proposed to be used by the Permittee, shall be specified in the Quality Assurance Plan.

E. Operation and Maintenance Plan

1. Within 180 days of the effective date of the permit, the permittee shall review their operation and maintenance (O&M) plan and ensure that it includes appropriate best management practices (BMPs). The O&M Plan shall include measures which prevent or minimize the potential for the release of pollutants to the Pend Oreille River. The Plan shall be retained on site and made available to EPA or IDEQ upon request.
2. The permittee shall develop a description of pollution prevention measures and controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in the O & M Plan shall reflect identified potential sources of pollutants at the facility. The description of BMPs shall address, to the extent practicable, the following minimum components:
  - a. Spill prevention and control;
  - b. Optimization of chemical use;
  - c. Preventive maintenance program
  - d. Research, development and implementation of a public information and education program to control the introduction of household hazardous materials to the sewer system; and
  - e. Water conservation.



F. Design Criteria Requirements

The design criterion for the permitted facility is an annual average flow of 3 mgd. Each month, the permittee shall compute an annual average value for flow entering the facility based on the previous twelve months data. If the average annual value exceeds 85% of the design criterion value (2.6 mgd), the permittee shall develop a facility plan and schedule within one year from the date of the first exceedance. The plan must include the permittees' strategy for continuing to maintain compliance with effluent limits and will be made available to the Director, IDEC, or an authorized representative upon request.

G. Definitions.

1. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
2. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
3. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
4. "Chronic toxic unit (TUc)" is a measure of chronic toxicity. The number of chronic toxic units in the effluent is calculated as  $100/\text{NOEC}$ , where the NOEC is measured in percent effluent.
5. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
6. "Geometric mean" of "n" quantities is the "nth" root of the product of the quantities. For example the geometric mean of 100, 200 and 300 is  $(100 \times 200 \times 300)^{1/3} = 181.7$

7. A "Grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.
8. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
9. "Method Detection Limit (MDL)" means the minimum concentration of an analyte that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero as determined by a specific laboratory method.
10. "Minimum Level (ML)" is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified weights, volumes and processing steps have been followed.
11. "No observed effect concentration (NOEC)" is the highest tested concentration of an effluent at which no adverse effects are observed on the test organisms at the specific time of observation.
12. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
13. "Twenty four (24) hour composite" sample means a flow-proportioned mixture of not less than eight (8) discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of *"Standard Methods for the Examination of Water and Wastewater."*
14. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

II. Pretreatment Program Requirements

A. Implementation. The permittee must implement the pretreatment program in accordance with the legal authorities, policies, procedures, staffing levels and financial provisions described in the original approved pretreatment program submission entitled *Industrial Pretreatment Program for the City of Sandpoint, Idaho, dated January 6, 1984*, any program amendments submitted thereafter and approved by EPA, and the General Pretreatment Regulations (40 CFR §403) and any amendments thereof. At a minimum, the permittee must carry out the following activities:

1. Enforce categorical pretreatment standards promulgated pursuant to Section 307(b) and (c) of the Act, prohibitive discharge standards as set forth in 40 CFR §403.5, and local limitations developed by the permittee in accordance with 40 CFR §403.5(c), whichever are more stringent and are applicable to non-domestic users discharging wastewater into the permittee's collection system. Locally derived limitations must be defined as pretreatment standards under Section 307(d) of the Act.
2. Implement and enforce the requirements of the most recent EPA approved portions of local law and regulations (e.g. municipal code, sewer use ordinance) addressing the regulation of non-domestic users.
3. Update the inventory of non-domestic users at a frequency and diligence adequate to ensure proper identification of non-domestic users subject to pretreatment standards, but no less than once per year. The permittee must notify these users of applicable pretreatment standards in accordance with 40 CFR §403.8(f)(2)(iii).
4. Issue, reissue, and modify, in a timely manner, industrial wastewater discharge permits to at least all Significant Industrial Users (SIUs) and categorical industrial users. These documents must contain, at a minimum, conditions identified in 40 CFR §403.8(f)(1)(iii). The permittee must follow the methods described in its implementation procedures for issuance of individual permits.
5. Develop and maintain a data management system designed to track the status of the permittee's non-domestic user inventory, non-domestic user discharge characteristics, and their compliance with applicable pretreatment standards and requirements. The permittee must retain all records relating to the pretreatment program activities for a minimum of



three years and must make such records available to EPA upon request. The permittee must also provide public access to information considered effluent data under 40 CFR Part 2.

6. Establish, where necessary, contracts or legally binding agreements with contributing jurisdictions to ensure compliance with applicable pretreatment requirements by non-domestic users within these jurisdictions. These contracts or agreements must identify the agency responsible for the various implementation and enforcement activities in the contributing jurisdiction. In addition, the permittee may be required to develop a Memorandum of Understanding that outlines the specific roles, responsibilities and pretreatment activities of each jurisdiction.
7. Carry out inspections, surveillance, and monitoring of non-domestic users to determine compliance with applicable pretreatment standards and requirements. A complete inspection of all SIUs and sampling of all SIUs' effluent must be conducted at least annually.
8. Require SIUs to conduct wastewater sampling as specified in 40 CFR §403.12(e) or (h). Frequency of wastewater sampling by the SIUs must be appropriate for the character and volume of the wastewater, but not less than twice per year. Sample collection and analysis must be performed in accordance with 40 CFR §403.12 (b)(5)(ii) through (v) and 40 CFR §136. If the permittee elects to conduct all the non-domestic user monitoring for any SIU instead of requiring self-monitoring, the permittee must conduct sampling in accordance with the requirements of this paragraph.
9. Enforce and obtain remedies for any industrial user's noncompliance with applicable pretreatment standards and requirements. This must include timely and appropriate reviews of industrial reports to identify all violations of the user's permit, the local ordinance, and federal pretreatment standards and requirements. Once violations have been uncovered, the permittee must take timely and appropriate action to address the noncompliance. The permittee's enforcement actions must follow its EPA-approved enforcement response procedures.
10. Publish, at least annually in the largest daily newspaper in the permittee's service area, a list of all non-domestic users which, at any time in the previous 12 months, were in Significant Noncompliance as defined in 40 CFR §403.8 (f)(2)(vii).

11. Maintain adequate staff, funds and equipment to implement its pretreatment program.
  12. Conduct an analysis annually to determine whether influent pollutant loadings are approaching the maximum allowable headworks loadings calculated in the permittee's most recent local limits evaluation. Any local limits found to be inadequate by this analysis must be revised. The permittee may be required to revise existing local limits or develop new limits if deemed necessary by EPA.
- B. Spill Prevention. The permittee must implement an accidental spill prevention program to reduce and prevent spills and slug discharges of pollutants from non-domestic users.
- C. Enforcement Requirement. Whenever, on the basis of information provided to EPA, it is determined that any source contributes pollutants to the permittee's facility in violation of subsection (b), (c), or (d) of Section 307 of the Act, EPA will notify the permittee. Failure by the permittee to commence an appropriate enforcement action within 30 days of this notification may result in appropriate enforcement action by the EPA against the source and permittee.
- D. Modification of the Pretreatment Program. If the permittee elects to modify any components of the pretreatment program, it must comply with the requirements of 40 CFR §403.18. No substantial program modification, as defined in 40 CFR §403.18(b), may be implemented prior to receiving written authorization from EPA.
- E. Control of Undesirable Pollutants. The permittee must not allow the introduction of the following pollutants into the POTW:
1. Pollutants which will create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F or 60° C using the test methods specified in 40 CFR 261.21;
  2. Pollutants which will cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0, unless the POTW is specifically designed to accommodate such discharges;
  3. Solid or viscous pollutants in amounts which cause obstruction to the flow in the POTW (including sewers) resulting in interference with the proper



operation of the treatment works;

4. Wastewater at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency;
  5. Any pollutant, including oxygen demanding pollutants (BOD<sub>5</sub>, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference in the POTW;
  6. Heat in amounts which inhibit biological activity in the POTW, resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless EPA Region 10, upon request of the POTW, approves alternate temperature limits;
  7. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
  8. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in quantities that may cause acute worker health and safety problems; and
  9. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- F. Requirements for Industrial Users. The permittee must require any industrial user of its treatment works to comply with any applicable requirements in 40 CFR §403 through §471.
- G. Sampling Requirements.
1. Parameters. The permittee must sample influent, effluent, and sludge from the POTW for arsenic, cadmium, chromium, copper, cyanide, lead, mercury, nickel, silver, zinc. Metals must be analyzed and reported as total metals. Sludge must also be analyzed for percent solids.
  2. Frequency. Sampling must be conducted twice per year: once during the month of May and once during the month of November.
  3. Sample Locations and Sample Type. The permittee must sample as described in Table 2.

Table 2: Pretreatment Monitoring - Sample Types and Frequency		
Wastestream	Sample Type	Frequency
Influent	24-hour Composite <sup>1</sup>	3 days within a week (Mon - Fri)
Effluent	24-hour Composite <sup>1</sup>	3 days within a week (Mon - Fri)
Sludge	Grab	Once, during the same time period that influent and effluent samples are being taken
1	Influent and effluent samples for cyanide must be collected and analyzed as required in paragraph 8.h.	

4. Analytical Methods. For influent and effluent pretreatment sampling the permittee must use EPA-approved analytical methods that achieve the method detection limits (MDLs) or minimum level (MLs) in Table 3, unless higher detection limits are approved by EPA.

Table 3: Method Detection Limits	
Parameter	MDL, µg/l
Arsenic	1.0
Cadmium	0.1
Chromium	1.0
Copper	1.0
Cyanide	5.0 <sup>1</sup>
Lead	1.0
Mercury	0.2
Nickel	5.0
Silver	0.2
Zinc	5.0
1 This value represents a minimum level, not an MDL.	

Requests for higher MDLs must be submitted in writing to the Pretreatment Coordinator at the address in paragraph H.1., below.

5. Sludge Sampling. Sludge samples must be taken as the sludge leaves the dewatering device or digesters.
6. Sludge Reporting. Metals concentrations in sludge must be reported in mg/kg, dry weight.
7. Reporting Results. Analytical results for each day's samples must be reported separately. Sample results must be submitted with the pretreatment annual report required in paragraph 10., below.
8. Cyanide Sampling. Influent and effluent sampling for cyanide must be conducted as follows. Eight discrete grab samples must be collected over a 24-hour day. Each grab sample must be at least 100 ml. Each sample must be checked for the presence of chlorine and/or sulfides prior to preserving and compositing (refer to *Standard Methods*, 4500-CN B). If chlorine and/or sulfides are detected, the sample must be treated to remove any trace of these parameters. After testing and treating for the interference compounds, the pH of each sample must be adjusted, using sodium hydroxide, to 12.0 standard units. Each sample can then be composited into a larger container which has been chilled to 4 degrees

Celsius, to allow for one analysis for the day.

H. Pretreatment Report.

1. The permittee must submit an annual report that describes the permittee's program activities over the report year which runs from September 1 to August 31. This report must be submitted to the following address no later than October 1 of each year:

Pretreatment Coordinator  
U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, OW-130  
Seattle, WA 98101

2. The pretreatment report must be compiled following the *Region 10 Annual Report Guidance*. At a minimum, the report must include:
  - a. An updated non-domestic user inventory, including those facilities that are no longer discharging (with explanation), and new dischargers, appropriately categorized and characterized. Categorical users should have the applicable category noted as well as cases where more stringent local limits apply instead of the categorical standard.
  - b. Results of wastewater sampling at the treatment plant as specified in Part G.8. (above).
  - c. Calculations of removal rates for each pollutant for each day of sampling.
  - d. An analysis and discussion of whether the existing local limitations in the permittee's sewer use ordinance continue to be appropriate to prevent treatment plant interference and pass through of pollutants that could affect water quality or sludge quality. This should include a comparison between influent loadings and the most recent relevant maximum allowable headworks loadings calculated for the treatment plant.
  - e. Status of program implementation, including:



- 1) Any planned modifications to the pretreatment program originally approved by EPA, including staffing and funding updates.
  - 2) A description of any POTW interference, pass through, or NPDES permit violations experienced at the facility, which were directly or indirectly attributable to non-domestic users, including:
    - (a) Date & time of the incident;
    - (b) Description of the effect on the POTW's operation;
    - (c) Effects on the POTW's effluent and biosolids quality;
    - (d) Identification of suspected or known sources of the discharge causing the upset;
    - (e) Steps taken to remedy the situation and to prevent recurrence.
  - 3) Listing of non-domestic users inspected and/or monitored during the report year with dates and an indication of compliance status.
  - 4) Listing of non-domestic users planned for inspection and/or monitoring for the coming year along with associated frequencies.
  - 5) Listing of non-domestic users whose permits have been issued, reissued, or modified during the report year along with current permit expiration dates.
  - 6) Listing of non-domestic users notified of promulgated pretreatment standards and/or local standards during the report year as required in 40 CFR §403.8(f)(2)(iii).
  - 7) Listing of non-domestic users notified of promulgated pretreatment standards or applicable local standards who are on compliance schedules. The listing must include the final date of compliance for each facility.
- f. Status of enforcement activities including:



- 1) Listing of non-domestic users who failed to comply with applicable pretreatment standards and requirements, including:
  - a) Summary of the violation(s).
  - b) Enforcement action taken or planned by the permittee.
  - c) Present compliance status as of the date of preparation of the pretreatment report.
- 2) Listing of those users in Significant Noncompliance during the report year as defined in 40 CFR 403.8(f)(2)(vii) and a copy of the newspaper publication of those users' names. EPA may require more frequent reporting on those users who are determined to be in Significant Noncompliance.

### III. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- C. Reporting of Monitoring Results. Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The reports shall be submitted monthly and are to be postmarked by the 15th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV.J., Signatory Requirements, and submitted to the Director, Office of Water and the State agency at the following addresses:

original to: United States Environmental Protection Agency (EPA) Region 10  
1200 Sixth Avenue, OW-133  
Seattle, Washington 98101

copy to: Idaho Department of Environmental Quality (IDEQ)  
Coeur d'Alene Regional Office  
2110 Ironwood Parkway  
Coeur d'Alene, Idaho 83814

- D. Additional Monitoring by the Permittee. If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- E. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) analyses were performed;
  4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and
  6. The results of such analyses.
- F. Retention of Records. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. Data collected on-site, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on-site.
- G. Twenty-four Hour Notice of Noncompliance Reporting.
1. The following occurrences of noncompliance shall be reported by telephone, to the EPA hotline at 206-553-1846, within 24 hours from the time the Permittee becomes aware of the circumstances:
    - a. Any noncompliance which may endanger health or the

environment;

- b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);
  - c. Any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions.); or
  - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
- 2. A written submission shall also be provided within five days of the time that the Permittee becomes aware of the circumstances. The written submission shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- 3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington.
- 4. Reports shall be submitted to the addresses in Part II.C., Reporting of Monitoring Results.
- H. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.C. are submitted. The reports shall contain the information listed in Part II.G.2.
- I. Inspection and Entry. The Permittee shall allow the Director or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:



1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

#### IV. COMPLIANCE RESPONSIBILITIES

- A. **Duty to Comply.** The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. **Penalties for Violations of Permit Conditions.**
  1. **Civil and Administrative Penalties.** Any person who violates a permit condition implementing Sections Penalty. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil or administrative penalty, not to exceed the maximum amounts specified in Sections 309(d) and 309(g) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S. C. § 2461 note) as amended by the Debt collection Improvement Act (31 U.S.C. § 3701 note).
  2. **Criminal Penalties:**
    - a. **Negligent Violations.** Any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(1) of the Act.

- b. **Knowing Violations.** The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(2) of the Act.
- c. **Knowing Endangerment.** Any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine and/or imprisonment as specified in Section 309(c)(3) of the Act.
- d. **False Statements.** Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, must be punished by a fine and/or imprisonment as specified in Section 309(c)(4) of the Act.

Except as provided in permit conditions in Part III.G., Bypass of Treatment Facilities and Part III.H., Upset Conditions, nothing in this permit shall be construed to relieve the Permittee of the civil or criminal penalties for noncompliance.

- C. **Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. **Duty to Mitigate.** The Permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. **Proper Operation and Maintenance.** The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance



also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

- F. Removed Substances. Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.
- G. Bypass of Treatment Facilities.
1. Bypass not exceeding limitations. The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
  2. Notice:
    - a. Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
    - b. Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required under Part II.G., Twenty-four Hour Notice of Noncompliance Reporting.
  3. Prohibition of bypass.
    - a. Bypass is prohibited and the Director may take enforcement action against a Permittee for a bypass, unless:
      - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in

the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- (3) The Permittee submitted notices as required under paragraph 2 of this section.

- b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determine that it will meet the three conditions listed above in paragraph 3.a. of this section.

#### H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the Permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The Permittee submitted notice of the upset as required under Part II.G., Twenty-four Hour Notice of Noncompliance Reporting; and
  - d. The Permittee complied with any remedial measures required under Part III.D., Duty to Mitigate.
3. Burden of proof. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

- I. Toxic Pollutants. The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants

within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

V. GENERAL REQUIREMENTS

A. Notice of New Introduction of Pollutants. The Permittee shall provide adequate notice to the Director, Office of Water of:

1. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.
3. For the purposes of this section, adequate notice shall include information on:
  - a. The quality and quantity of effluent to be introduced into such treatment works; and
  - b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such publicly owned treatment works.

B. Control of Undesirable Pollutants. Under no circumstances shall the Permittee allow introduction of the following wastes into the waste treatment system:

1. Wastes which will create a fire or explosion hazard in the treatment works;
2. Wastes which will cause corrosive structural damage to the treatment works, but in no case, wastes with a pH lower than 5.0, unless the works is designed to accommodate such wastes;
3. Solid or viscous substances in amounts which cause obstructions to the flow in sewers, or interference with the proper operation of the treatment works;
4. Wastewaters at a flow rate and/or pollutant discharge rate which is



excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency; and

5. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge of such volume or strength as to cause interference in the treatment works.
- C. Requirements for Industrial Users. The Permittee shall require any industrial user of these treatment works to comply with any applicable requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR Part 403.
- D. Planned Changes. The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit.
- E. Anticipated Noncompliance. The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- F. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- G. Duty to Reapply. If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- H. Duty to Provide Information. The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- I. Other Information. When the Permittee becomes aware that it failed to submit



any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

J. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.

1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Director, and
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph IV.J.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.J.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for

gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- K. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- L. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Act.
- M. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- N. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- O. Transfers. This permit may be automatically transferred to a new Permittee if:
  - 1. The current Permittee notifies the Director at least 30 days in advance of the proposed transfer date;
  - 2. The notice includes a written agreement between the existing and new Permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  - 3. The Director does not notify the existing Permittee and the proposed new Permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- P. State Laws. Nothing in this permit shall be construed to preclude the institution

of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

- Q. Reopener Provision. This permit is subject to modification, revocation and reissuance, or termination at the request of any interested person (including the Permittee) or upon EPA initiative. However, permits may only be modified, revoked or reissued, or terminated for the reasons specified in 40 CFR §122.62 or 122.64, and 40 CFR §124.5. This includes new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance including future monitoring results. All requests for permit modification must be addressed to EPA in writing and must contain facts or reasons supporting the request.

